

NOT DESIGNATED FOR PUBLICATION  
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION IV

CA06-1013

June 6, 2007

SAMUEL SNOWDEN

APPELLANT

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [NO. D900041]

V.

POULAN/WEEDEATER

APPELLEE

APPEAL DISMISSED

This is a *pro se* appeal from the dismissal of appellant's workers' compensation claim. The Commission found that the issues appellant sought to litigate were the same issues already litigated in a prior order dealing with a joint petition settlement between the parties, found that appellant's claim to a right to relitigate the matter was not well grounded in fact nor warranted by existing law or a good-faith argument for modification of existing law, and dismissed appellant's claim. On appeal, appellant requests that a 1991 joint petition settlement order be set aside based on Ark. R. Civ. P. 60(c)(4) for fraud practiced in obtaining the judgment. The fraud appellant alleges is that his attorney "sold [his] interests on [his] claim to Poulan WeedEater and Compensation Management, Inc." Appellant's appeal is frivolous, and we dismiss.

In his argument, appellant expressly states that he is proceeding under Ark. R. Civ. P. 60(c)(4). However, the Arkansas Rules of Civil Procedure do not apply to proceedings before the Workers' Compensation Commission. *Rogers v. International Paper Co.*, 66 Ark. App. 34, 988 S.W.2d 23 (1999); *Tracor/MBA v. Artissue Flowers*, 41 Ark. App. 186, 850 S.W.2d 30 (1993). Furthermore, appellant does not seek reversal of the Commission's order dismissing his request to relitigate the issue, but instead asks us to set aside the original joint petition order entered in June 1991 – a matter that we have previously decided in an unpublished opinion delivered October 12, 2005, which is clearly *res judicata* to the issue presented in this appeal. Because there is no reasonable legal or factual basis for the present appeal, we find that it is frivolous, and we dismiss pursuant to Ark. R. App. P. – Civ. 11(b) and (c).

Workers' compensation law is intended to afford those who are injured a form of relief that is both simple and speedy, *see Harrington Construction. Co. v. Williams*, 45 Ark. App. 126, 872 S.W.2d 426 (1994), and this intention is frustrated when the agencies and courts assigned to implement the remedies that the law provides are subjected to frivolous litigation. We caution appellant that continued frivolous litigation may subject him to further sanctions under Rule 11(c) including, but not limited to, an order to pay appellee's actual costs and expenses (including reasonable attorney's fees); imposition of a penalty payable to the court; or an order to pay appellee damages attributable to any further delay or misconduct occasioned by appellant.

Appeal dismissed.

ROBBINS and HEFFLEY, JJ., agree.